

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JONATHAN EARL STAMPLEY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:21CV733TSL-FKB

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of United States Magistrate Judge F. Keith Ball entered on July 27, 2023, recommending that the decision of the commissioner be affirmed. Plaintiff Jonathan Earl Stampley did not object to the report and recommendation and the time for doing so has expired. The court, having fully reviewed the report and recommendation and being duly advised in the premises, now finds that the report and recommendation should be adopted as the opinion of the court with the following modification: Page 1, paragraph 1, line 6 is corrected to reflect that plaintiff's name is "Stampley," not "Mays".<sup>1</sup>

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<sup>1</sup> As plaintiff failed to object, the court reviewed the report and recommendation under a "clearly erroneous" standard. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). However, where there are no objections, the court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the report and recommendation. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the opinion of the court. It follows that the action will be dismissed with prejudice.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 14<sup>th</sup> day of August, 2023.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE